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90-082

CONSOLIDATION FOR DEVELOPMENT CHARGES

BY-LAW

R90-082

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THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R00 - 015

Being a by-law to Amend By-law R99 - 074

respecting development charges
on lands
within The Regional Municipality of Hamilton-Wentworth

WHEREAS the Development Charges Act, 1997, S.O.1997, Chapter 27 (hereinafter may be referred to as the "Act") authorizes municipalities to pass a by-law for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which this by-law applies.

AND WHEREAS The Regional Municipality of Hamilton-Wentworth did, in accordance with the said Act, on the 6th day of July 1999, enact By-law R99 - 074 to impose Development Charges; (hereinafter such By-law may be referred to as the "By-law")

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, at its meeting of 2000 March 7th, did receive recommendations for amendments to the said Development Charges By-law from the General Manager of Finance and did resolve to take steps to amend By-law R99 - 074 as hereinafter provided;

AND WHEREAS as required by Section 10 of the Act, the Region has undertaken and completed a development charge background study in respect of the amendments hereinafter provided for, regarding the anticipated amount, type and location of development; the increase in needs for services; estimated capital costs to provide for such increased needs, including the long term capital and operating costs for capital infrastructure required for the services;

AND WHEREAS as required by Section 11 of the Act, this by-law is being enacted within one year of the January 2000 completion of the said development charge background study set out in the said Report to the Finance & Administrative Committee dated 2000 January 19 by the General Manager of Finance;

AND WHEREAS in advance of passing this by-law, the Council of The Regional Municipality of Hamilton-Wentworth has given notice of and held a public meeting on 2000 March 07 in accordance with Section 12(1)(b) of the Development Charges Act, 1997 regarding its proposals for this development charges by-law;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, through its Finance and Administrative Services Committee, has heard all persons who applied to be heard no matter whether in objection to, or in support of, this by-law;

NOW THEREFORE, the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:

1. (a) Section 2 of the By-law that describes the scope of the municipality to which the By-law applies, is deleted and replaced with the following:

"This By-law applies to all of the land within The Regional Municipality of Hamilton-Wentworth."

(b) The exemptions from Development Charges listed in section 8 of the By-law are amended by adding subsection (d)(iv), subsection (d)(v), subsection (d)(vi), subsection (e), subsection (f) and subsection (g), (as set out below) to section 8 of the By-law, so that section 8 states, in part, as follows:

8. Notwithstanding any other provision of this By-law, the following types of development are exempted from any development charges under this By-law, including the Special Area Development Charges:

(d) any development undertaken by:

(iv) a university recognized by the Province in the University Expropriation Powers Act;

(v) an academic education school which meets all of the following criteria:

aa) registered with the Province as a "private school" under section 16 of the Education Act;

bb) non-publicly funded school;

cc) operated on a not-for-profit basis;

dd) operated by a non-share non-profit corporation, or an established religion or a "religious organization" as defined in the Religious Organizations' Lands Act;

ee) offering elementary or secondary academic education;

(vi) a post secondary academic education school that meets all of the following criteria:

aa) offering, following graduation, a "Bachelor's Degree" recognized by the Province;

bb) non-publicly funded school;

cc) operated on a not-for-profit basis;

dd) operated by a non-share non-profit corporation, an established religion or a "religious organization" as defined in the Religious Organizations' Lands Act;

(e) all non residential development within that part of the City of Hamilton bounded by Queen Street, Cannon Street, Victoria Avenue and Hunter Street;

(f) all residential development within that part of the City of Hamilton bounded by Queen Street, Hamilton Harbour, Victoria Street and the Niagara Escarpment (except for development of a residential facility within the portion thereof bounded by Queen Street, Cannon Street, Victoria Avenue and Hunter Street, which portion is not exempt from residential development charges for a residential facility).

(g) non-profit housing development which is undertaken by a non-profit housing corporation;

2. The definitions in section 1 of the By-law are amended to include a

definition of a non-profit housing corporation and a definition of non-profit housing development, as follows:

(w-1) "non-profit housing corporation" means a company incorporated as a not-for-profit housing corporation or as a non-profit housing co-operative or as a municipal non-profit housing corporation pursuant to federal or provincial legislation, provided the capital costs of such company's non-profit housing developments are not funded by senior levels of government and provided the company's Letters Patent or Articles of Incorporation expressly states: (i) the primary object to provide and/or to operate housing accommodations and incidental facilities, primarily for persons of low and moderate income; and, (ii) the provision that the corporation's activities shall be carried on without the purpose of gain for its members and any profit or accretion to the corporation shall be used in promoting its objects;

(w-2) "non-profit housing development" means housing accommodations and incidental facilities, primarily for persons of low and moderate income;

3. The definitions in section 1 of the By-law are amended to establish a new residential Development Charge rate classification titled "residential facility", as follows:

(a) definition (z-1) set out below is added, (following definition (z))

(z-1) "residential facility" is a facility that contains two or more units for residential accommodation, which units do not have self-contained kitchens and are with or without self-contained bathrooms and such facility does not include a single detached dwelling, a semi-detached dwelling, a farm help house, a multiple unit dwelling, a mobile home, a temporary residential structure or an apartment, as they are defined in this By-law, and also, such facility does not include a hospital, hotel, motel and tourist home.

(b) definition (p) titled "institutional" is amended by adding to this definition the following phrase "and does not include a residential facility."

(c) definition (z) titled "residential" is amended by adding to this definition a new subsection "(x) residential facility".

4. The Schedule of the By-law titled "Schedule C -- Development Charge Rates By Municipality" is amended as follows:

(a) by adding to the Development Charge rate classifications listed as the "single Detached Dwelling" DC rate, the "apartment unit rate" and the "multiple unit rate", another residential rate classification titled "residential facility rate", as follows:

"residential facility rate is (1) 28.6% of the Single Detached Dwelling (SDD/Semi) unit Development Charge rate and (2) 28.6% of the Single Detached Dwelling (SDD/Semi) Special Area Charge rate. These rates shall be calculated upon the per resident capacity of a new facility and upon the increase (if any) in resident capacity of an existing residential facility under renovation or enlargement. A reference in this By-law to a residential "unit" rate, shall, in respect of a residential facility, be deemed to be a reference to the per person capacity rate of a residential facility."

(b) by adding the following limitation to the said Schedule, as a footnote to the Schedule:

"the non-residential per square foot Development Charge rates and Special Area Charge rates in this Schedule, shall, in respect of any separate building or structure for commercial development only, be calculated solely upon the initial 150,000 square feet of the building or structure."

5. The provisions of the By-law regarding the Binbrook Special Area Charge are amended as follows:

(a) Schedule "B" titled "Development Charges By Service" is amended in respect of the Service titled "Binbrook Special Area Charge" by deleting the Residential Development Charge per SDD rate of \$7,086 and substituting therefor the Development Charge Rate of \$9,596;

(b) Schedule "C" titled "Development Charge Rates By Municipality" is amended by the following changes to the Development Charge rates for the Location titled "Binbrook SAC":

(i) by deleting the Development Charge residential rate titled SDD/Semi of \$7,086 and substituting therefor the rate of \$9,596;

(ii) by deleting the Development Charge residential rate titled Multiple of \$5,265 and substituting therefor the rate of \$7,346;

(iii) by deleting the Development Charge residential rate titled Apt. of \$3,040 and substituting therefor the rate of \$4,241.

(c) Schedule "C" titled "Development Charge Rates By Municipality" is amended by deleting from foot note number one, the words "...with the Glanbrook Landfill Site Leachate Treatment/Removal and..."

6. (a) This by-law may be referred to as the "2000 Regional Development Charges Amending By-law".

(b) The definitions of phrases and terms in the By-law shall apply to this amending by-law, save as amended herein.

(c) By-law R99-074, save as amended herein, is confirmed.

7. After its approval by the Transition Board, this by-law shall come into force and take effect.

PASSED AND ENACTED THIS 21st DAY OF March, 2000.


CHAIRMAN


MUNICIPAL CLERK

Bill No. 2874

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R99 - 074

Being a by-law respecting development charges
on lands
within The Regional Municipality of Hamilton-Wentworth

WHEREAS the Development Charges Act, 1997, S.O.1997, Chapter 27 (hereinafter may be referred to as the "Act") authorizes municipalities to pass a by-law for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which this by-law applies.

AND WHEREAS The Regional Municipality of Hamilton-Wentworth, as required by Section 10 of the Act, has undertaken and completed a development charge background study regarding the anticipated amount, type and location of development; the increase in needs for services; estimated capital costs to provide for such increased needs, including the long term capital and operating costs for capital infrastructure required for the services.

AND WHEREAS as required by Section 11 of the Act this By-law is being enacted within one year of the May 1999 completion of the said development charge background study, titled "Development Charges Background Study, Hamilton-Wentworth," prepared by Marshall, Macklin Monaghan Limited;

AND WHEREAS in advance of passing this By-law the Council of The Regional Municipality of Hamilton-Wentworth has given notice of and held a public meeting on 1999 June 15 and July 5, in accordance with Section 12(1)(b) of the Development Charges Act, 1997 regarding its proposals for this development charges by-law;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, through its Finance and Administrative Services Committee, has heard all persons who applied to be heard no matter whether in objection to, or in support of, the said By-law;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, at its meeting of 1999 July 6, has adopted the recommendations for development charges policies and financial policies recommended by the General Manager of Finance to be included in this by-law;

NOW THEREFORE, the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:

Definitions

1. In this By-law,
 - (a) "agricultural land" means land which is zoned for agricultural or farming uses in the zoning by-law of the area municipality in which the land to be developed is located;
 - (b) "apartment" means a building consisting of more than one dwelling unit with a private bathroom and kitchen facilities in each unit and which is not a single detached dwelling, a semi-detached dwelling, a farm help house, a multiple unit dwelling, a mobile home or a temporary residential structure;

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- (c) "area municipality" means a city, town or township defined in Section 1 of the Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1990, Chapter R.12.
 - (d) "bedroom" includes any room which can be used as sleeping quarters but does not include a kitchen, bathroom, living room or dining room;
 - (e) "benefiting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
 - (f) "capital cost" includes the capital costs defined in Section 5(3) of the Act.
 - (g) "commercial" means a building used for, or in connection with the buying or selling of commodities, or both, or supplying of services or operating as a business office, including without limiting the generality of the foregoing, a warehouse with a sales outlet, which warehouse functions primarily as an auto oriented destination for a large market area; and commercial also includes "retail" as defined herein. Commercial does not include "industrial" as defined herein;
 - (h) "Council" means the Regional Council of The Regional Municipality of Hamilton-Wentworth constituted in accordance with Section 5 of the Regional Municipality of Hamilton-Wentworth Act, as amended;
 - (i) "development" includes redevelopment;
 - (j) "development charge or development charges" means the charges imposed by this By-law against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which this By-law applies.
 - (k) "farm help house", means a residential building constructed on a farm and not attached to any other building or structure, with sleeping, cooking, living and sanitary facilities, and used for seasonal, interim or occasional residential uses by farm labourers;
 - (l) "grade" means the average level of proposed or finished ground adjoining, at all exterior walls, a building containing one or more dwelling units, a non-residential building or structure or a building or structure with both residential and non-residential uses;
 - (m) "gross floor area" means the total area of all floors above grade of a building containing one or more dwelling units or a non-residential building or structure of a building or structure with both residential and non-residential uses measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit or non-residential building or structure from another dwelling unit or non-residential building or structure or other portion of a building;
 - (n) "growth-related net capital cost" means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from development in all or a defined part of The Regional Municipality of Hamilton-Wentworth;

- (o) "industrial" means a building used for, or in connection with,
- i) manufacturing, producing, processing, storing or distributing something;
 - ii) research or development in connection with manufacturing, producing or processing, something;
 - iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site which the manufacturing, production or processing takes place;
 - iv) office or administrative purposes, if they are,
 - aa) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and,
 - bb) in or attached to the building or structure used for that manufacturing, producing or processing, storage or distribution;
- (p) "institutional" means a building used for, or in connection with religious, charitable, cultural, educational, governmental, health or welfare purposes and shall include but not be limited to, public and private non-commercial schools, nursery schools, day care facilities, nursing homes, residential care facilities, boarding and lodging houses;
- (q) "local board" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, board or local authority established or exercising any power of authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of an area municipality or The Regional Municipality of Hamilton-Wentworth;
- (r) "manufactured home" means a building recognized by the Building Code as a "Manufactured Home" in accordance with the standard for "manufactured homes" CSA A-277, "Procedure for Certification of Factory Built houses";
- (s) "mixed use development" means a building or structure in which there are or will be both residential and non-residential uses, but does not include a hotel, motel, resort development, guest house, boarding house, nursing home, retirement living multiple unit dwelling or home for the aged;
- (t) "mobile home", means a building recognized the Building Code as a "Mobile Home" in accordance with the standard for "mobile homes" in CAN/CSA-Z240.2.1 "Structural requirements for Mobile Homes";
- (u) "multiple unit dwelling" means a residential building consisting of three or more dwelling units attached by a vertical wall or walls and not abutting any dwelling units along a horizontal plane;
- (v) "net capital cost", means the capital cost less capital grants, subsidies and other contributions made to the Region or that the Council of the Region anticipates will be made, including conveyances or payments under Sections 42, 51 and 53 of the Planning Act, R.S.O 1990, Chapter P.13 in respect of the capital cost;
- (w) "Non-residential" means a building used for or in connection with other than residential use, and, without limiting the generality of the foregoing includes, commercial, industrial, institutional and retail buildings;

- (x) "place of worship", means a building or structure which is or would be classified as exempt from taxation for realty taxes in accordance with the exemption for "...every place of worship and land used in connection therewith and every churchyard, cemetery or burying ground, " in the Assessment Act, R.S.O. 1990, Chapter A.31;
- (y) "Region" means the body corporate continued as a municipality under the name "The Regional Municipality of Hamilton-Wentworth" in Section 4 of the Regional Municipality of Hamilton-Wentworth Act;
- (z) "Residential" includes:
- (i) single detached dwellings,
 - (ii) individual dwelling units in semi-detached dwellings,
 - (iii) farm help houses,
 - (iv) individual mobile homes,
 - (v) individual dwelling units in multiple unit dwellings,
 - (vi) individual apartment dwelling units,
 - (viii) temporary residential structures, and
 - (ix) semi-detached dwellings, multiple unit dwellings and apartments in buildings or structures which are not exclusively used for residential purposes.
- (aa) "retail" means a building used for, or in connection with the offering or sale of goods, wares, merchandise, substances, articles or things directly to the consumer;
- (bb) "semi-detached dwelling" means a residential building consisting of two dwelling units attached by a vertical wall or walls;
- (cc) "services", means services designated in Schedule "A" of this By-law or designated in a front-ending agreement;
- (dd) "single detached dwelling" means a residential building containing one dwelling unit and not attached to another building or structure, whether or not the sole single detached dwelling is situated on a single lot and includes a manufactured home as defined in this by-law; and
- (ee) "temporary residential structure" means a residential building containing one dwelling unit and not attached to another building or structure, and constructed on a lot of record on which another single detached dwelling or semi-detached dwelling is situate.

Scope of By-law

2. This By-law applies to all of the land within The Regional Municipality of Hamilton-Wentworth, except for the area thereof within that part of the City of Hamilton bounded by Queen Street, Cannon Street, Victoria Avenue and Hunter Street.

Development Charges

3. The development of land, buildings or structures for residential and non-residential uses have required or will require the provision, enlargement, expansion of the services referenced in Schedule "A".

4. The development of land is subject to a development charge where the development requires the following:
- (a) the passing of a zoning by-law or an amendment thereto under Section 34 of the Planning Act,
 - (b) the approval of a minor variance under Section 45 of the Planning Act,
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies,
 - (d) the approval of a plan of subdivision under Section 51 of the Planning Act,
 - (e) a consent under Section 53 of the Planning Act,
 - (f) the approval of a description under Section 50 of the Condominium Act, R.S.O. 1990, Chapter 26, or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992, Chapter 23, in relation to a building or structure.

Calculation of Development Charges

5. The development charge with respect to the development of any land, buildings and structures is, subject to the other provisions of this By-law, calculated as follows:
- (a) in the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units;
 - (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development.
6. (a) Subject to the provisions of this by-law, development charges against land are to be calculated and collected in accordance with the base rates set out in Schedule "B" in respect of the services set out in Schedule "A". The sum of the Development Charges rates arranged by area municipality or by the applicable portion thereof, are set out in Schedule "C" attached hereto.

Mixed-Use Development

- (b) Where a development has both residential and non-residential uses, development charges will be assessed against both uses, to the extent of their respective uses of a building or structure, and as though the uses were separate.

Redevelopment

- (c) Development charges payable in a redevelopment shall be calculated by reducing the charges payable by the maximum number of former residential units or by the maximum non-residential former gross floor area (as the case may be) which had been on the same property on or after 1990 June 19, but has since been demolished. Any such reduction shall not produce a refund.

Change of Use

- (d-1) Where an existing non-residential building or structure is converted in whole or in part to residential uses, the residential development charge payable for the dwelling units created shall be reduced by an amount equal to the non-residential rate per square foot established under this By-law and set out in Schedule "B", applied against the gross floor area so converted to dwelling units, but any such reduction shall not produce a refund.
- (d-2) Where an existing residential building is converted in whole or in part to

non-residential uses, the non-residential development charge payable for the gross floor area so converted shall be reduced by an amount equal to the residential development charge established under this By-law and set out in Schedule "B" applied for the dwelling unit(s) so converted, and if a dwelling unit is only partially converted the reduction shall be in proportion to the extent of the conversion, but any such reduction shall not produce a refund.

(d-3) Development charges assessable for the conversion of uses in a mixed-use building or structure shall be determined in accordance with sub-sections (d-1) and (d-2) of this By-law, as applicable.

Exemptions from Development Charges

7. As provided for in Section 2(3) of the Act and Ontario Regulation 82/98, the following are not subject to development charges under the Act and this By-law if the only effect of an action referred to in Section 4 of this By-law is to:
 - (a) permit the enlargement of an existing dwelling unit; or,
 - (b) permit the creation of up to two additional dwelling units, as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings. The said prescribed matters from Ontario Regulation 82/98 are attached as Schedule "D".
8. Notwithstanding any other provision of this By-law, the following types of development are exempted from any development charges under this By-law, including the Special Area Development Charges:
 - (a) non-residential industrial development;
 - (b) a parking garage exclusively devoted to parking, including the construction of an outdoor parking lot at grade, or the construction of a parking garage above or below grade;
 - (c) development that is or would be classified under the Assessment Act as exempt from taxation for realty taxes as a place of worship;
 - (d) any development undertaken by:
 - (i) any board within the meaning of subsection 1(1) of the Education Act, R.S.O. 1990, Chapter E.2,
 - (ii) any area municipality or a local board of any area municipality, and
 - (iii) The Regional Municipality of Hamilton-Wentworth;
 - (e) non-residential development on agricultural land, other than retail, commercial or institutional development of such land.
9. (1) Notwithstanding any other provision of this By-law, any development within the areas of the Region listed below is exempted from that portion of the development charges for each specific service listed beside each area:
 - (a) the area of the Region outside the Urban Area Boundary designated in the Official Plan of the Region, is exempt from the development charges for:
 - i) Water treatment and Watermains; and
 - ii) Sanitary and Waste Water treatment and sanitary sewers;
 - (b) the area of the Region outside the Urban Transit Area (which Urban Transit Area was designated on 1997 September 11, by the Minister of Municipal Affairs as the area within the Urban Area Boundary,) is

exempt from the development charge for Transit Services;

(c) the area of the Region outside the limits of the City of Hamilton, is exempt from the development charge for stormwater services.

(2) In the event a property is located within one of the said areas listed in subsection one above as exempt from a particular development charge or charges, and the property being developed has or may have such service, the said exemption(s) from development charges for such service(s) as the case may be, shall not apply to the development of such property.

Collection of Development Charges

10. (a) Subject to the provisions of this section, development charges are payable at the time a building permit is issued by an area municipality.

Prepayment or Deferral Agreements

(b) Council may authorize, in accordance with Section 27 of the Act, an agreement with a person to permit, on such terms as Council may require, the payment of a development charge before or after it is otherwise payable under this By-law.

Services in lieu Agreements

(c) Council may agree, in accordance with Sections 38, 39, 40 and 41 of the Act, to allow a person to perform work that relates to a service to which this development charge by-law relates, in return for a credit towards the development charges payable by the said person, upon terms specified by Council in its agreement with the person. No such credit shall exceed the total development charges payable by the person.

Front-Ending Agreements

(d) Council may authorize a front-ending agreement in accordance with the provisions of Part III of the Act, upon such terms as Council may require, in respect of the development of land.

Existing Agreements

(e) Development Charges payable under this By-law shall be reduced by the amount of charges paid by an owner or former owner of the property under the terms of an agreement executed prior to 1990 June 19 with the Region concerning a subdivision, a condominium or a consent. Interest shall be paid on such amount by the Region at the Bank of Canada rate, updated quarterly.

Administration of By-law


11. This By-law shall be administered by the Finance Department of The Regional Municipality of Hamilton-Wentworth and The Corporation of the City of Hamilton.

12. As authorized in paragraph ten of Section 5(1) of the Act, the development charges provided for in this By-law shall be adjusted annually by the percentage change during the preceding year, as recorded in the Statistics Canada Quarterly, Construction Price Statistics, Catalogue number 62-007. This adjustment shall take place as follows:

- (a) the initial adjustment shall be one year from the date of passage of this By-law, and
- (b) thereafter, adjustment shall be made each year on the anniversary of the date of passage of this By-law.

13. The General Manager of Finance shall, in each year prior to May 1st, commencing May 1, 2000 for the 1999 year, furnish to Council a statement in respect of the separate reserve funds required by the Act for each service to which this By-law relates, for the prior year, containing the information set out in Section 43 of the Act and Section 12 of Ontario Regulation 82/98.
14. (a) This By-law may be referred to as the "1999 Regional Development Charges By-law".
- (b) By-law R94-064, as amended, is repealed.
15. This By-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED AND ENACTED THIS 6th DAY OF JULY 1999.


CHAIRMAN


MUNICIPAL CLERK

List of Schedules attached to and forming part of By-law R 99-074

- Schedule "A" - List of Services
Schedule "B" - Schedule of Development Charges by Service
Schedule "C" - Schedule of Development Charge Rates by Municipality or defined area
Schedule "D" - Table from O.Reg. 82/98 referred to in Sec.7.

SCHEDULE "A"

Services for which Development Charges are levied

- (a) police services,
- (b) for development outside the City of Hamilton and the Town of Dundas only, library services,
- (c) growth management,
- (d) for development within the City of Hamilton only, storm sewers,
- (e) for development within the Urban Area designated in the Official Plan of The Regional Municipality of Hamilton-Wentworth adopted by By-law R 94-053, water treatment and watermains,
- (f) for development within the Urban Area designated in the Official Plan of The Regional Municipality of Hamilton-Wentworth adopted by By-law R 94-053, sanitary and waste water treatment and sanitary sewers,
- (g) roads and freeway, and
- (h) for development within the Urban Transit Area designated by Regional By-law, transit services.

SCHEDULE "B"

DEVELOPMENT CHARGES BY SERVICE

SERVICE	Residential D.C. Per SDD	Non-Residential D.C. Per Sq. Ft.
	\$	\$
Storm Sewer	605	0.31
Sanitary Sewer	291	0.49
Waterworks	1,372	1.34
Roads	1,688	1.29
Growth Management	39	0.04
Police	290	0.17
Transit	224	0.19
Library	134	0
Binbrook Special Area Charge	7,086	0
Waterdown & Dundas Special Area Charge	2,338	2.26

SCHEDULE "C"

DEVELOPMENT CHARGE RATES BY MUNICIPALITY

LOCATION	Residential \$ Per Unit			Non- Res. \$ Per Sq. Ft.
	SDD/Semi	Multiple	Apt.	
Hamilton	4,509	3,350	1,934	3.83
Dundas SAC ²	2,338	1,737	1,003	2.26
Dundas DC	<u>3,904</u>	<u>2,901</u>	<u>1,675</u>	<u>3.52</u>
Total:	6,242	4,638	2,678	5.78
Ancaster	4,038	3,000	1,732	3.52
Stoney Creek	4,038	3,000	1,732	3.52
Flamborough	4,038	3,000	1,732	3.52
Glanbrook	4,038	3,000	1,732	3.52
Binbrook SAC ¹	7,086	5,265	3,040	0
Glanbrook DC	<u>4,038</u>	<u>3,000</u>	<u>1,732</u>	<u>3.52</u>
Total:	11,124	8,265	4,772	3.52
Waterdown SAC ²	2,338	1,737	1,003	2.26
Flamborough DC	<u>4,038</u>	<u>3,000</u>	<u>1,732</u>	<u>3.52</u>
Total:	6,376	4,737	2,735	5.78

SDD means the "Single Detached Dwelling" DC rate

SDD is the DC rate applicable to a single detached dwelling and to a semi-detached dwelling.

The apartment unit rate is 42.9% of the SDD

The multiple unit rate is 74.3% of the SDD

¹ Special Area Charge for that portion of the Township of Glanbrook designated in the Region's Official Plan as the urban settlement area of Binbrook, payable in addition to the Glanbrook uniform regional development charge. Includes the costs associated with the Glanbrook Landfill Site Leachate Treatment/Removal and with the Binbrook Settlement Water and Wastewater Servicing Project.

² Special Area Charge for the Town of Dundas (payable in addition to the Dundas uniform regional development charge) and for that portion of the Town of Flamborough designated in the Region's Official Plan as the urban area of Waterdown (payable in addition to the Flamborough uniform regional development charge). Includes the costs associated with the Dundas/Waterdown Wastewater Flow Diversion Project.

SCHEDULE "D"

O.Reg. 82/98 Table referred to Section 7 of By-law

Name of Class of Residential Building	Description of Class of Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
Single Detached Dwellings	Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-detached dwellings or row Dwellings	Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Other residential buildings	A residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW R97-082

Being a by-law to amend By-law R94-064, as amended, being a by-law to impose development charges on residential and non-residential development on account of certain capital costs to the municipality resulting from such development.

WHEREAS on the 14th day of July, 1994, the Council of The Regional Municipality of Hamilton-Wentworth passed the Regional Development Charges By-law R94-064;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth deems it necessary to further amend said By-law R94-064, as amended;

AND WHEREAS the amendment to said By-law R94-064, as amended, is being made to exempt industrial expansions from Regional development charges to a maximum of 50% of existing gross floor area;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth has given notice in accordance with Sections 4 and 7 of the Development Charges Act, R.S.O. 1990, Chapter D.9, as amended, of its intention to pass an amendment to the Regional Development Charges By-law R94-064, as amended;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, through its Finance Committee, has heard all persons who applied to be heard no matter whether in objection to, or in support of, the amendment to said By-law;

NOW THEREFORE the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:

1. That section 17 of By-law R94-064, as amended, be further amended by adding the following sub-sections:
 - (d) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement will be determined as follows:
 - (i) if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; and

(ii) if the gross floor area is enlarged by more than 50 per cent, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

1. determine the amount by which the enlargement in gross floor area exceeds 50 per cent of the gross floor area in existence at the time of building permit application; and
2. divide the amount determined under paragraph 1 by the amount of the enlargement.

(e) Where a non-residential development has both industrial and other uses, development charges will be assessed against both uses, to the extent of their respective uses of a building or structure, and as though the uses were separate.

2. This by-law shall be deemed to come into force and take effect on September 17, 1997.

PASSED AND ENACTED THIS 21st DAY OF OCTOBER, 1997.


Chairman


Clerk

Approved
as to form

Legal
Services

THE DEVELOPMENT CHARGES ACT

NOTICE OF THE PASSING OF BY-LAW NO. R97-082, BEING A BY-LAW TO AMEND THE DEVELOPMENT CHARGES BY-LAW NO. R94-064, AS AMENDED, OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH .

TAKE NOTICE that the Council of The Regional Municipality of Hamilton-Wentworth passed By-law No. R97-082 on the 21st day of October, 1997, being a by-law to amend the Regional Development Charges By-law No. R94-064, as amended, under Section 7 of the Development Charges Act, R.S.O. 1990, c. D.9.

The following is an explanation of the amendment contained in By-law R97-082:

- Expansions to existing industrial buildings are exempt from Regional development charges, to a maximum of 50% of the existing gross floor area of the building. This exemption is available in addition to the existing credits and exemptions provided under Development Charges By-law R94-064, as amended.

By-law R97-082 and By-law R94-064, as amended, are available for inspection in my office during regular office hours.

DATED at the City of Hamilton, this 29th day of October, 1997.

Robert C. Prowse, Clerk

The Regional Municipality of Hamilton-Wentworth

P.O. Box 910, 119 King Street West, 15th Floor, Hamilton, Ontario L8N 3V9

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THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW R96-088

Being a by-law to amend By-law R94-064, as amended, being a by-law to impose development charges on residential and non-residential development on account of certain capital costs to the municipality resulting from such development.

WHEREAS on the 14th day of July, 1994, the Council of The Regional Municipality of Hamilton-Wentworth passed the Regional Development Charges By-law R94-064;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth deems it necessary to further amend said By-law R94-064, as amended;

AND WHEREAS the amendment to said By-law R94-064, as amended, is being made to extend the redevelopment credit from 15 to 20 years;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth has given notice in accordance with Sections 4 and 7 of the Development Charges Act, R.S.O. 1990, Chapter D.9, as amended, of its intention to pass an amendment to the Regional Development Charges By-law R94-064, as amended;

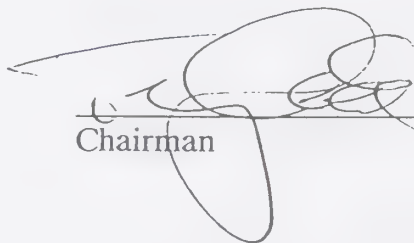
AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, through its Finance Committee, has heard all persons who applied to be heard no matter whether in objection to, or in support of, the amendment to said By-law;

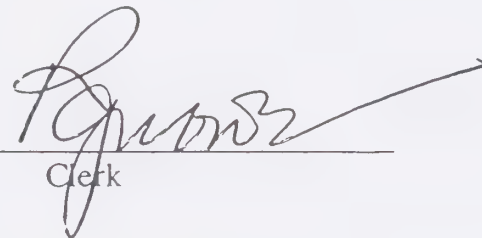
NOW THEREFORE the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:

1. That clause 7(a)(ii) of By-law R94-064, as amended, is hereby further amended by deleting the word "fifteen" in the third line and substituting therefor the word "twenty".
2. That subsection 7(c) of By-law R94-064, as amended, is hereby further amended by deleting the word "fifteen" in the third line and substituting therefor the word "twenty".

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3. That section 8 of By-law R94-064, as amended, is hereby further amended by deleting the word "fifteen" in the third line and substituting therefor the word "twenty".
 4. That subsection 16(b) of By-law R94-064, as amended, is hereby further amended by deleting the word "fifteen" in the third line and substituting therefor the word "twenty".
 5. That subsection 17(b) of By-law R94-064, as amended, is hereby further amended by deleting the word "fifteen" in the third line of the subsection and substituting therefor the word "twenty".
 6. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED AND ENACTED THIS 19th DAY OF November, 1996.


Chairman


Clerk

Approved
as to form

Legal
Services

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW R96-062

Being a by-law to amend By-law R94-064, as amended, being a by-law to impose development charges on residential and non-residential development on account of certain capital costs to the municipality resulting from such development.

WHEREAS on the 14th day of July, 1994, the Council of The Regional Municipality of Hamilton-Wentworth passed the Regional Development Charges By-law R94-064;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth deems it necessary to further amend said By-law R94-064, as amended;

AND WHEREAS the amendments to said By-law R94-064, as amended, are being made to extend the redevelopment credit from 10 to 15 years and to limit the application of development charges to those lands outside the downtown core of the City of Hamilton, being those lands outside the boundary of Queen, Cannon, Victoria and Hunter Streets;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth has given notice in accordance with Sections 4 and 7 of the Development Charges Act, R.S.O. 1990, Chapter D.9, as amended, of its intention to pass an amendment to the Regional Development Charges By-law R94-064, as amended;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, through its Finance Committee, has heard all persons who applied to be heard no matter whether in objection to, or in support of, the amendment to said By-law;

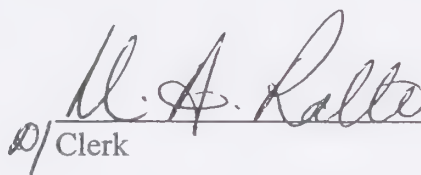
NOW THEREFORE the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:

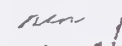
1. That section 2 of By-law R94-064, as amended, be further amended by adding the following to the end of said section: "outside the area bounded by Queen Street, Cannon Street, Victoria Avenue and Hunter Street, in the City of Hamilton."
2. That clause 7(a)(ii) of By-law R94-064, as amended, is hereby further amended by deleting the word "ten" in the third line and substituting therefor the word "fifteen".
3. That subsection 7(c) of By-law R94-064, as amended, is hereby further amended by deleting the word "ten" in the third line and substituting therefor the word "fifteen".

4. That section 8 of By-law R94-064, as amended, is hereby further amended by deleting the word "ten" in the third line and substituting therefor the word "fifteen".
5. That subsection 16(b) of By-law R94-064, as amended, is hereby further amended by deleting the word "ten" in the third line and substituting therefor the word "fifteen".
6. That subsection 17(b) of By-law R94-064, as amended, is hereby further amended by deleting the word "ten" in the third line of the subsection and substituting therefor the word "fifteen".
7. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED AND ENACTED THIS 16 DAY OF July , 1996.


Chairman


Clerk

Approved
as to form

Regional
Solicitor

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW R95-084

Being a by-law to amend By-law R94-064, being a by-law to impose development charges on residential and non-residential development on account of certain capital costs to the municipality resulting from such development.

WHEREAS on the 14th day of July, 1994, the Council of The Regional Municipality of Hamilton-Wentworth passed the Regional Development Charges By-law R94-064;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth deems it necessary to amend said By-law R94-064;

AND WHEREAS the amendments to said By-law R94-064 are being made to limit the application of non-residential development charges against agricultural land to only commercial, retail, industrial and institutional development on such land;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth has given notice in accordance with Sections 4 and 7 of the Development Charges Act, R.S.O. 1990, Chapter D.9, as amended, of its intention to pass an amendment to the Regional Development Charges By-law R94-064;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, through its Finance Committee, has heard all persons who applied to be heard no matter whether in objection to, or in support of, the amendment to said By-law;


NOW THEREFORE the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:

1. That Section 1 of Regional Development Charges By-law R94-064 be amended by relettering subsection 1(a) for the definition of "apartment" as subsection 1(aa) and by inserting this subsection 1(aa) immediately before subsection 1(b) of the said By-law.
2. That Section 1 of Regional Development Charges By-law R94-064 be amended by adding the following as subsection 1(a):
 - (a) "agricultural land" means land which is zoned for agriculture or farming uses in the zoning by-law of the area municipality in which the land to be developed is located;

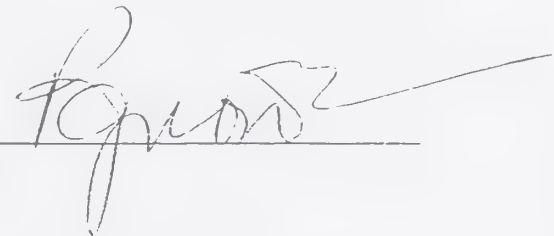
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3. That Section 1 of Regional Development Charges By-law R94-064 be amended by adding the following subsection 1(ee) after the definition of "capital cost" in subsection 1(e) of the said By-law:
 - (ee) "commercial" means the use of land, buildings or structures for the purpose of buying or selling commodities, or both, or supplying of services or operating as a business office; as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, and construction and other similar non-commercial uses;
 4. That Section 1 of Regional Development Charges By-law R94-064 be amended by adding the following subsection 1(nn) after the definition of "growth-related net capital cost" in subsection 1(n) of the said By-law:
 - (nn) "industrial" means the use of land, buildings or structures for the processing of raw materials or goods; light manufacturing, assembling, repairing operations, servicing operations, repairing and servicing operations; warehousing and storage of bulk goods, product distribution services, and wholesaling; and uses similar to the foregoing within the scope and meaning of the Statistics Canada publication "Standard Industrial Classification" 1980, as amended from time to time;
 5. That Section 1 of Regional Development Charges By-law R94-064 be amended by relettering subsections 1(o) to (z) both inclusive as subsections 1(p) to (zz) inclusive.
 6. That Section 1 of Regional Development Charges By-law R94-064 be amended by adding the following subsection 1(o) after the definition of "industrial" in subsection 1(nn) of the said By-law:
 - (o) "institutional" means the use of land, buildings or structures for religious, charitable, cultural, educational, governmental, health or welfare purposes and shall include but not be limited to public and private non-commercial schools, nursery schools or day care facilities;
 7. That Section 1 of Regional Development Charges By-law R94-064 be amended by adding the following subsection 1(ww) after the definition of "Region" in subsection 1(w) of the said By-law:
 - (ww) "retail" means the use of land, buildings or structures for the offering or sale of goods, wares, merchandise, substances, articles or things directly to the consumer;

8. That the Regional Development Charges By-law R94-064 be amended by adding the following Section 3a.:
- 3a. Notwithstanding Section 3 of this by-law, where non-residential development occurs on agricultural land, non-residential development charges shall only be assessed for the portion of the development which is retail, commercial, industrial or institutional.
9. That this By-law shall be deemed to have come into force on July 15, 1994.

PASSED AND ENACTED THIS 22 DAY OF August, 1995.



Chairman



Clerk

Approved
as to form

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THE REGIONAL MUNICIPALITY
OF HAMILTON-WENTWORTH

BY-LAW NO. R94-064

Being a by-law to impose development charges on residential and non-residential development on account of certain capital costs to the municipality resulting from such development.

WHEREAS the Development Charges Act R.S.O. 1990 c. D.9 authorizes municipalities to pass by-laws for the imposition of development charges against land where the development of the land would increase the need for services provided in whole or in part by the municipality;

AND WHEREAS The Regional Municipality of Hamilton-Wentworth has undertaken a study of its development charge policies, the expected development of land within the municipality and the need for services resulting from that development;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, at its meeting of July 14, 1994, has adopted the recommendations for development charges policies and financial policies in the report of the Treasurer and Commissioner of Finance, dated July 8, 1994, to which this by-law is attached and of which this by-law forms part;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth has given notice in accordance with section 4 of the Development Charges Act of a proposed development charge policy and has conducted public meetings in respect of the proposal in advance of passing this by-law under section 3 of the said Act;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, through its Finance Committee, has heard all persons who applied to be heard no matter whether in objection to, or in support of, the said by-law;

NOW THEREFORE, the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) "apartment" means a building consisting of more than one dwelling unit with a private bathroom and kitchen facilities in each unit and which is not a single detached dwelling, a semi-detached dwelling, a farm help house, a multiple unit dwelling, a mobile home or a temporary residential structure;

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- (b) "area municipality" means a city, town, or township in the Regional Municipality of Hamilton-Wentworth;
 - (c) "bedroom" includes any room which can be used as sleeping quarters but does not include a kitchen, bathroom, living room or dining room;
 - (d) "benefiting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
 - (e) "capital cost" means costs incurred or proposed to be incurred by the Region or a local board thereof directly or under an agreement,
 - (i) to acquire land or an interest in land,
 - (ii) to improve land,
 - (iii) to acquire, construct or improve buildings and structures,
 - (iv) to acquire, construct or improve facilities including rolling stock, furniture and equipment, and
 - (v) to undertake studies in connection with any of the matters in clauses (i) to (iv),required for the provision of services designated in this by-law and situated within or outside the Regional Municipality of Hamilton-Wentworth, including interest on borrowing for those expenditures under clauses (i), (ii), (iii) and (iv) that are growth related;
 - (f) "Council" means the Council of The Regional Municipality of Hamilton-Wentworth constituted in accordance with section 5 of the Regional Municipality of Hamilton-Wentworth Act, as amended;
 - (g) "development" includes redevelopment but does not include the construction of an outdoor parking lot at grade, or the construction of a parking garage above or below grade;
 - (h) "development charge or development charges" means the charges imposed under this by-law against land with respect to growth-related net capital costs;

- (i) "farm help house", means a residential building constructed on a farm and not attached to any other building or structure, with sleeping, cooking, living and sanitary facilities, and used for seasonal, interim or occasional residential uses by farm labourers;
- (j) "front-end payment" means a payment made by an owner pursuant to a front-ending agreement, which may be in addition to a development charge that the owner is required to pay under this by-law, to cover the net capital costs of the services designated in the agreement that are required to enable the land to be developed;
- (k) "front-ending agreement" means an agreement with an owner or owners in a benefiting area providing for front-end payments by an owner or owners or for the installation of services by an owner or owners or any combination thereof;
- (l) "grade" means the average level of proposed or finished ground adjoining, at all exterior walls, a building containing one or more dwelling units, a non-residential building or structure or a building or structure with both residential and non-residential uses;
- (m) "gross floor area" means the total area of all floors above grade of a building containing one or more dwelling units or a non-residential building or structure or a building or structure with both residential and non-residential uses measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit or non-residential building or structure from another dwelling unit or non-residential building or structure or other portion of a building;
- (n) "growth-related net capital cost" means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from development in all or a defined part of The Regional Municipality of Hamilton-Wentworth;
- (o) "local board" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of an area municipality or The Regional Municipality of Hamilton-Wentworth;

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- (p) "mixed use development" means a building or structure in which there are or will be both residential and non-residential uses, but does not include a hotel, motel, resort development, guest house, boarding house, nursing home, retirement living multiple unit dwelling or home for the aged;
 - (q) "mobile home", means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;
 - (r) "net capital cost", means the capital cost less capital grants, subsidies and other contributions made to the Region or that the Council of the Region anticipates will be made, including conveyances or payments under sections 42, 51 and 53 of the Planning Act, in respect of the capital cost;
 - (s) "owner", means the owner of land or a person who has made application for approval for the development of land to which this by-law applies;
 - (t) "place of worship", means a building or structure used for the primary purpose of regular religious observance and includes lands used in connection with a place of worship as well as every churchyard, cemetery or burying ground, so long as the building or structure and lands are owned by a church or religious organization;
 - (u) "multiple unit dwelling" means a residential building consisting of three or more dwelling units attached by a vertical wall or walls and not abutting any dwelling units along a horizontal plane;
 - (v) "Region" means the body corporate referred to as The Regional Municipality of Hamilton-Wentworth in section 4 of the Regional Municipality of Hamilton-Wentworth Act;
 - (w) "semi-detached dwelling" means a residential building consisting of two dwelling units attached by a vertical wall or walls;
 - (x) "services", means services designated in section 25 of this by-law or designated in a front-ending agreement;
 - (y) "single detached dwelling" means a residential building containing one dwelling unit and not attached to another building or structure, whether or not the sole single detached dwelling situated on a single lot; and

- (z) "temporary residential structure" means a residential building containing one dwelling unit and not attached to another building or structure, and constructed on a lot of record on which another single detached dwelling or semi-detached dwelling is situate.

SCOPE

2. This by-law applies to all land in The Regional Municipality of Hamilton-Wentworth.

APPLICATION - RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT

3. Development charges shall be assessed by the Region against residential and non-residential development of land.
4. Development of land is subject to a development charge if the development would increase the need for services and the development requires:
- (a) the passing of a zoning by-law or an amendment thereto under section 34 of the Planning Act,
 - (b) the approval of a minor variance under section 45 of the Planning Act,
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies,
 - (d) the approval of a plan of subdivision under section 51 of the Planning Act,
 - (e) a consent under section 53 of the Planning Act,
 - (f) the approval of a description under section 50 of the Condominium Act, or
 - (g) the issuing of a permit under the Building Code Act in relation to a building or structure.

RESIDENTIAL DEVELOPMENT SUBJECT TO A DEVELOPMENT CHARGE

5. Development charges shall be assessed against the following types of residential development:

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- (a) single detached dwellings,
 - (b) individual dwelling units in semi-detached dwellings,
 - (c) farm help houses,
 - (d) individual mobile homes,
 - (e) individual dwelling units in multiple unit dwellings,
 - (f) individual apartment dwelling units,
 - (g) temporary residential structures, and
 - (h) semi-detached dwellings, multiple unit dwellings and apartments in buildings or structures which are not exclusively used for residential purposes.

CHARGES APPLICABLE TO MINOR RESIDENTIAL DEVELOPMENT OF EXISTING LOTS OR PREMISES

6. Subject to section 7 of this by-law, no residential development charge is payable where the development:
- (a) is an enlargement of an existing dwelling unit,
 - (b) creates one or two additional dwelling units in an existing single detached dwelling,
 - (c) creates one additional dwelling unit in any existing residential building other than a single detached dwelling.
7. (a) (i) Notwithstanding subsection 6(b) of this by-law, a development charge shall be imposed where the total gross floor area of the additional one or two dwelling units exceeds the gross floor area of the existing single detached dwelling;
- (ii) In determining the gross floor area of the existing single detached dwelling, the gross floor area shall be the maximum gross floor area in the ten years preceding an application for a building permit in respect of the additional one or two units.
- (b) Notwithstanding subsection 6(c) of this by-law, a development charge shall be imposed if the additional unit has a gross floor area greater than:

- (i) in the case of the semi-detached or multiple unit dwelling, the gross floor area of the existing dwelling unit, and
 - (ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.
 - (c) In determining the gross floor area under subsection (b) of a semi-detached or multiple unit dwelling or of the smallest dwelling unit in a residential building, the gross floor area shall be the maximum gross floor area in the ten years preceding the application for a building permit in respect of the one additional unit.
8. Temporary residential structures shall be subject to development charges, but shall be entitled to a refund of development charges if the structure is demolished or removed within ten years of the date of building permit issuance.

NON-RESIDENTIAL DEVELOPMENT SUBJECT TO A DEVELOPMENT CHARGE

9. Development charges shall be assessed against the non-residential development of land or the conversion of uses to non-residential uses by a charge per square foot or square metre on the gross floor area of any non-residential use, building or structure converted, constructed or erected on the said land.
10. The gross floor area of a non-residential building or structure may be calculated in square feet or square metres and shall not include any portions of the building or structure which are below grade or above grade and used as a parking garage or exclusively devoted to parking.

LIMITATIONS ON NON-RESIDENTIAL DEVELOPMENT CHARGES

11. (a) No non-residential development charge is payable for up to 5000 square feet of gross floor area in a building or structure for which an initial building permit is issued on or after the effective date of this by-law;
- (b) The allowance in subsection (a) is available in addition to any allowance for non-residential redevelopment in section 17 of this by-law;
- (c) The allowance in subsection (a) may be claimed only once for any building or structure, and any single application of the allowance in subsection (a) entirely exhausts the allowance whether or not the entire 5000 square feet available was applied to the development.

12. No non-residential development charge is payable for gross floor area which exceeds 40% of the area of the lot on which the non-residential building or structure is situate, and for which a building permit is issued on or after the effective date of this by-law.
13. (a) No non-residential development charge is payable for gross floor area in excess of 150,000 square feet in any separate building or structure, for which an initial building permit is issued on or after the effective date of this by-law;
- (b) The allowance in subsection (a) is available in addition to any allowance for non-residential redevelopment in section 17 of this by-law, but is inclusive of any allowance under subsection 11(a) of this by-law;
- (c) The application of subsection (a) may be claimed only once in respect of any building or structure, and any single application of the allowance in subsection (a) entirely exhausts the allowance, whether or not subsequent development increases the gross floor area.
14. A non-residential development shall only be required to pay the lesser of the charges assessable under sections 12 and 13, in the event the building or structure exceeds 150,000 square feet of gross floor area and exceeds 40% of the lot area of the lot on which it is situate.

MIXED USE DEVELOPMENT SUBJECT TO A DEVELOPMENT CHARGE

15. Where a development has both residential and non-residential uses, development charges will be assessed against both uses, to the extent of their respective use of a building or structure, and as though the uses were separate.

REDEVELOPMENT

16. (a) Subject to section 6 of this by-law, where a residential redevelopment increases the number of dwelling units in a building or structure, a development charge shall only be payable for the increased number of units attributable to the development;
- (b) In determining the increased units subject to a development charge, the existing dwelling units shall be the maximum number of dwelling units in the building or structure within the ten years preceding an application for a building permit in respect of the increased dwelling units;

- (c) An owner who has secured the necessary approvals may demolish and replace existing dwelling units and not be subject to a development charge under this by-law in respect of the dwelling units replaced.
17. (a) Where a non-residential development increases the gross floor area of a building or structure, a development charge will be assessed per square foot of increase of gross floor area;
- (b) The gross floor area of the building or structure prior to the increase referred to in subsection (a) shall be the maximum gross floor area of the building or structure within the ten years preceding an application for a building permit in respect of the increase;
- (c) An owner who has secured the necessary approvals may demolish and replace existing gross floor area and not be subject to a development charge under this by-law in respect of the gross floor area replaced.
18. Where an existing non-residential building or structure is converted in whole or in part to residential uses, the residential development charge payable for the dwelling units created shall be reduced by an amount equal to the non-residential rate per square foot established under this by-law and set out in Schedule A, applied against the gross floor area so converted to dwelling units, but any such reduction shall not produce a refund.
19. Where an existing residential building is converted in whole or in part to non-residential uses, the non-residential development charge payable for the gross floor area so converted shall be reduced by an amount equal to the residential development charge established under this by-law and set out in Schedule A applied against for the dwelling unit(s) so converted, and if a dwelling unit is only partially converted the reduction shall be in proportion to the extent of the conversion, but any such reduction shall not produce a refund.
20. Development charges assessable for the conversion of uses in a mixed use building or structure shall be determined under sections 18 and 19 of this by-law as applicable.

CALCULATION OF DEVELOPMENT CHARGES PAYABLE

21. Development charges for residential and non-residential development within the Region are set out in Schedule A to this by-law, which forms part of this by-law.
22. The residential development charges set out in Schedule A to this by-law apply separately to:

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- (a) single detached dwellings, individual dwelling units in semi-detached dwellings, farm help houses, mobile homes and temporary residential structures, which are referred to in the Schedule as single detached or equivalent units;
 - (b) individual dwelling units in multiple unit dwellings, which are referred to in the Schedule as multiple units; and
 - (c) individual apartment dwelling units, which are referred to in the Schedule as individual apartment units.
23. The non-residential development charges set out in Schedule A to this by-law shall be adjusted between the effective date of the by-law and each of August 1, 1995 and August 1, 1996 as shown in the Schedule.
24. (a) The Region may by agreement with an owner permit a development charge to be paid by the provision of services or by a combination of services and money;
- (b) Where services are provided in full or partial satisfaction of a development charge, the Region shall credit the owner with an amount equal to the reasonable cost to the owner of providing the services;
- (c) No credit given shall exceed the total development charge payable by the owner.

SERVICES FOR WHICH THE RESIDENTIAL DEVELOPMENT CHARGE IS PAYABLE

25. The services for which the development charge is imposed for residential development are:
- (a) police services,
 - (b) health services,
 - (c) fleet services,
 - (d) for development outside the City of Hamilton and the Town of Dundas only, libraries,
 - (e) growth management,
 - (f) for development in the City of Hamilton only, storm sewers,

- (g) sanitary sewers,
- (h) watermains,
- (i) solid waste management,
- (j) roads and freeway, and
- (k) for development in the City of Hamilton only, transit.

26. No development charge may be imposed with respect to:

- (a) local services installed at the expense of an owner within a plan of subdivision as a condition of approval under section 51 of the Planning Act;
- (b) local services installed at the expense of an owner as a condition of approval under section 53 of the Planning Act;
- (c) local connections to water mains, sanitary sewers and storm drainage facilities installed at the expense of the owner including amounts imposed under a by-law passed under section 222 of the Municipal Act; or
- (d) waterworks or sanitary sewerage if these services are not to be provided within five years of the issuance of the building permit, either by or for the Region or pursuant to a front-ending agreement, to land to be developed.

SERVICES FOR WHICH THE NON-RESIDENTIAL DEVELOPMENT CHARGE IS PAYABLE

- 27. (a) The services for which the development charge is imposed for non-residential development within the City of Hamilton include all those services designated in section 25 of this by-law except libraries;
- (b) The services for which the development charge is imposed for non-residential development within the Town of Dundas include all those services designated in section 25 of this by-law except libraries and storm sewers and transit;
- (c) The services for which the development charge is imposed for non-residential development within the Town of Ancaster, Town of Flamborough, Township of Glanbrook and City of Stoney Creek include all those services designated in section 25 of this by-law except storm sewers and transit;

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- (d) The provisions of subsection 22(d) of this by-law also apply to non-residential development.

TIME OF PAYMENT OF DEVELOPMENT CHARGES

- 28. (a) Development charges are payable at the time a building permit is issued by an area municipality;
 - (b) If a development charge remains unpaid at the time a building permit is issued, the Treasurer of The Regional Municipality of Hamilton-Wentworth shall certify to the Treasurer of the area municipality in which the land to be developed is located that the development charge is unpaid;
 - (c) The Treasurer of The Regional Municipality of Hamilton-Wentworth shall direct the Treasurer of the area municipality that the unpaid development charge shall be added to the tax roll of the area municipality and shall be collected as taxes.
29. The Region may enter into an agreement with an owner providing for the payment of a development charge before the issuance of a building permit.

ADJUSTMENTS TO DEVELOPMENT CHARGES

30. The development charges provided for in this by-law shall be adjusted by the percentage change in the composite Southam Construction Cost Index (Ontario Series). The first adjustment shall take place following the later of:
- (a) one year from the date of passage of this by-law, and
 - (b) one year following the first publication of the composite Southam Construction Cost Index (Ontario Series) after the date of passage of this by-law.
31. The development charges provided for in this by-law shall be adjusted every year after the first adjustment provided for in section 30 of this by-law. The adjustment shall be calculated in accordance with section 30 of this by-law.

EXEMPTIONS FROM BY-LAW

32. Notwithstanding any other provisions of this by-law, development undertaken by:
- (a) any board within the meaning of subsection 1 (1) of the Education Act,
 - (b) any area municipality or the local board of any area municipality, and
 - (c) The Regional Municipality of Hamilton-Wentworth,
- is not subject to any development charge under this by-law.
33. Where a non-profit housing provider has either been given an allocation of units by the Minister of Housing or has filed a project proposal with the Minister of Housing prior to June 20, 1990, and where the cost of the non-profit housing project has been estimated or determined in accordance with any charges of the Region in relation to development which were in effect prior to June 20, 1990, the charges then in effect shall apply to the non-profit housing project instead of the development charge under this by-law.
34. (a) No development charge is payable in respect of the construction or expansion of a place of worship.
- (b) Any development charge paid since June 20, 1990 in respect of the construction or expansion of a place of worship shall be refunded on application by an authorized representative of the church or religious group using or occupying the place of worship together with a declaration that the primary use continues to be as a place of worship together with proof of prior payment of a development charge to the Region.

APPLICATION TO AGREEMENTS UNDER THE PLANNING ACT

35. (a) A credit against any development charge payable under this by-law shall be given for all or any portion of a charge in relation to development which has been paid by an owner or a former owner under the terms of an agreement with the Region concerning a subdivision, a condominium or a consent, executed before the effective date of this by-law.
- (b) A credit against any development charge payable under this by-law shall be given, for the reasonable cost to an owner or former owner of services provided in lieu of the payment of all or any portion of a charge in relation to development under the terms of an agreement with the Region concerning a subdivision, a condominium or a consent, executed before the effective date of this by-law.

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APPLICATION TO WATER AND SEWER CHARGES UNDER THE MUNICIPAL ACT

36. After the effective date of this by-law, no development which is subject to a development charge under this by-law shall be assessed any charges pursuant to by-law R76-137 as amended, enacted under section 218 of the Municipal Act.

ACCOUNTING FOR DEVELOPMENT CHARGES

37. (a) All development charges paid pursuant to this by-law shall be maintained separately from all other revenues or receipts of The Regional Municipality of Hamilton-Wentworth.
- (b) The Treasurer of The Regional Municipality of Hamilton-Wentworth shall maintain these monies in separate reserve funds for each of the services identified in section 25 of this by-law and shall only permit the monies to be expended for those costs for which the development charge was imposed.
38. The Treasurer shall provide the Council with an annual statement, at a date directed by the Council, in respect of the reserve fund or funds established under section 29 of this by-law. The statement shall contain the following information in respect of each service identified in section 25 of this by-law:
- (a) the balance as of the 1st day of January,
 - (b) the distribution of the development charge proceeds received during the year,
 - (c) the amount transferred to the capital fund,
 - (d) the development charge amounts refunded or allocated to other services,
 - (e) the apportionment of accrued interest,
 - (f) the closing balance as of the 31st day of December,
 - (g) an addendum indicating for each project the intended application of the amount transferred to the capital fund.

FRONT-END FINANCING

39. The Region may enter into a front-ending agreement with an owner or owners in respect of the development of land with the Regional Municipality of Hamilton-Wentworth.

INTERPRETATION

40. The cost of each service designated in section 25 of this by-law shall be calculated in accordance with Schedule A to this by-law and shall be adjusted in accordance with sections 30 and 31 of this by-law.
41. Where a non-residential building or structure has the same gross floor area on each floor of the building or structure, the gross floor area may be calculated by multiplying the gross floor area of one floor by the number of floors in the building or structure.
42. Gross floor area under this by-law may be calculated in either imperial or metric measurements. For the purposes of metric calculations, one square metre equals 10.76 square feet and one hectare equals 2.47 acres.
43. The headings in this by-law form part of this by-law.

ADMINISTRATION

44. By-law R90-082, as amended, is repealed.
45. This by-law shall be administered by the Finance Department of The Regional Municipality of Hamilton-Wentworth.
46. This by-law shall expire 5 years from the date of its passage.
47. This by-law may be referred to as the "Regional Development Charges By-law".
48. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED AND ENACTED this 14th day of July 19 94.

Approved
as to form
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Legal
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CHAIRMAN


CLERK

SCHEDULE "A"

DEVELOPMENT CHARGES WITHIN THE CITY OF HAMILTON *		
SERVICES	RESIDENTIAL CHARGE: PER SINGLE DETACHED OR EQUIVALENT UNITS	NON-RESIDENTIAL CHARGE: PER SQUARE FOOT
Police Services	\$171.00	\$0.10
Health Services	\$81.00	\$0.06
Fleet Services	\$27.00	\$0.03
Growth Management	\$16.00	\$0.02
Storm Sewers	\$553.00	\$0.17
Sanitary Sewers	\$941.00	\$0.60
Watermains	\$983.00	\$0.47
Solid Waste Management	\$77.00	\$0.06
Roads and Freeway	\$2,070.00	\$1.03
Transit	\$95.00	\$0.05
TOTAL:	\$5,014.00	\$2.59

DEVELOPMENT CHARGES WITHIN THE TOWN OF DUNDAS *		
SERVICES	RESIDENTIAL CHARGE: PER SINGLE DETACHED OR EQUIVALENT UNITS	NON-RESIDENTIAL CHARGE: PER SQUARE FOOT
Add: City of Hamilton Charge	\$5,014.00	\$2.59
Deduct: Storm Sewers	(\$553.00)	(\$0.17)
Deduct: Transit	(\$95.00)	(\$0.05)
TOTAL:	\$4,366.00	\$2.37

**DEVELOPMENT CHARGES IN ANCASTER, FLAMBOROUGH,
GLANBROOK AND STONEY CREEK ***

SERVICES	RESIDENTIAL CHARGE: PER SINGLE DETACHED OR EQUIVALENT UNITS	NON-RESIDENTIAL CHARGE: PER SQUARE FOOT
Add: City of Hamilton Charge	\$5,014.00	\$2.59
Add: Libraries	\$77.00	\$0.04
Deduct: Storm Sewers	(\$553.00)	(\$0.17)
Deduct: Transit	(\$95.00)	(\$0.05)
TOTAL:	\$4,443.00	\$2.41

RESIDENTIAL CHARGE PER UNIT *

AREA MUNICIPALITY	SINGLE DETACHED OR EQUIVALENT UNITS (100%)	MULTIPLE UNIT (74.3%)	INDIVIDUAL APARTMENT UNITS (42.9%)
Hamilton	\$5,014.00	\$3,725.00	\$2,149.00
Dundas	\$4,366.00	\$3,243.00	\$1,871.00
Ancaster, Flamborough, Glanbrook and Stoney Creek	\$4,443.00	\$3,301.00	\$1,904.00

NON-RESIDENTIAL CHARGE PER SQUARE FOOT *

AREA MUNICIPALITY	PHASE 1 (up to July 31/95) (50%)	PHASE 2 (Aug 1/95 to July 31/96) (75%)	PHASE 3 (Aug 1/96 to expiry) (100%)
Hamilton	\$1.30	\$1.94	\$2.59
Dundas	\$1.19	\$1.78	\$2.37
Ancaster, Flamborough, Glanbrook and Stoney Creek	\$1.21	\$1.81	\$2.41

* figures have been rounded

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THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

By-law No. R93-090

BILL NO. 2162

Being a By-law to amend the Regional Development Charges By-law No. R90-082, as amended

WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth enacted the Regional Development Charges By-law No. R90-082 which By-law came into effect on June 20, 1990;

AND WHEREAS By-law No. R92-077, being a by-law to amend the Regional Development Charges By-law No. R90-082, as amended, provides in part that for building permits issued between April 22, 1992 and June 30, 1993, a reduced development charge is payable;

AND WHEREAS The Regional Municipality of Hamilton-Wentworth is in the process of conducting a review of its development charge policies in order to pass a new development charges by-law;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth deems it appropriate to extend the reduced development charge until a new development charges by-law comes into force and effect;

AND WHEREAS it is therefore necessary to amend the Regional Development Charges By-law No. R90-082, as amended;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth has given notice in accordance with section 7 of the Development Charges Act R.S.O. 1990, Chapter D.9 of its intention to pass an amendment to the Regional Development Charges By-law No. R90-082, as amended;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, through its Finance Committee, has heard all persons who applied to be heard no matter whether in objection to, or in support of, the amendment to said By-law;

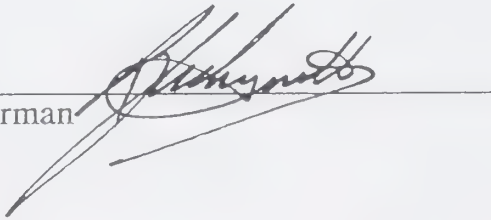
NOW THEREFORE, the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:

1. That subsection 40a(a) of the Regional Development Charges By-law No. R90-082, as amended, be further amended by striking out the word "between" in the first line of the subsection and substituting therefor the words "on or after", and by striking out the words "and June 30, 1993" in the first line of the subsection.

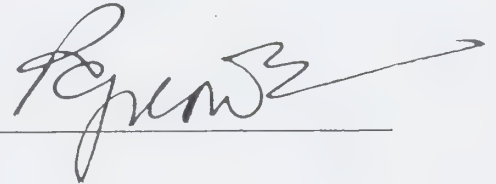
2. That subsection 40a(b) of the Regional Development Charges By-law No. R90-082, as amended, be further amended by striking out the word "between" in the first line of the subsection and substituting therefor the words "on or after", and by striking out the words "and June 30, 1993" in the first line of the subsection.

PASSED AND ENACTED THIS 15th DAY OF June, 1993.

Chairman



Clerk



Approved
as to form:

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Services

The Regional Municipality of Hamilton-Wentworth

By-Law R91-152

Being a By-Law to establish a Committee to hear Complaints under the Development Charges Act, 1989 and the "Regional Development Charges By-Law",

WHEREAS Section 106 of the Municipal Act, R.S.O. 1980, Chapter 302 provides, among other things, that, where the council of a municipality is required by law to hear interested parties or to afford them an opportunity to be heard before doing any act or making a decision, the council may provide by by-law for a committee of the council to hear such parties or afford them an opportunity to be heard in the place and stead of the council;

AND WHEREAS, by virtue of Subsection 133 (1) of the Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1980, Chapter 437, as amended, Section 106 of the Municipal Act applies with necessary modifications to the Regional Corporation;

AND WHEREAS, pursuant to Section 3 of the Development Charges Act, 1989, S.O. 1989, Chapter 58, the Regional Council enacted, on June 19th, 1990, By-Law No. R90-082, to be referred to as the "Regional Development Charges By-Law," which was subsequently amended by By-Law R90-133, for the imposition of development charges against land situated in the Regional Area;

AND WHEREAS, pursuant to Subsection 8 (1) of the Development Charges Act, 1989, an owner may, under prescribed circumstances, complain in writing to the council of a municipality in respect of the development charge imposed by the municipality on the owner's development;

AND WHEREAS, pursuant to Subsections 8 (4) and (5) of the Development Charges Act, 1989, the council is required to give the complainant the opportunity to make representations and, after hearing the evidence and submissions of the complainant, to make a decision either confirming or amending the development charge;

AND WHEREAS the Regional Council, in adopting Item 14 of Report 12-91 of the Finance and Personnel Committee at its meeting held on September 17th, 1991, as amended by Item 27 of Report 11-91 of the Finance Committee adopted at its meeting of December 17th, 1991, approved the formation of a Special Development Charges Complaints Committee to hear complaints in accordance with the Development Charges Act, 1989, as may be amended from time to time, and the "Regional Development Charges By-Law," as may be amended from time to time,

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

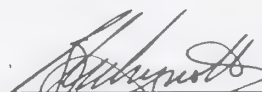
1. (1) In this By-Law,
 - (a) "Complaint" means a complaint as provided for under section 8 of the Development Charges Act, 1989, as may be amended from time to time;
 - (b) "Committee" means the Special Development Charges Complaints Committee established under this By-Law.
- (2) For the purposes of this By-Law, "Regional Area", "Regional Corporation" and "Regional Council" have the same meaning as set out in the Regional Municipality of Hamilton-Wentworth Act, as may be amended from time to time.
- (3) Section 1 of the Development Charges Act, 1989, as may be amended from time to time, applies to this By-Law.
2. The "Special Development Charges Complaints Committee" is hereby established to hear complaints under the Development Charges Act, 1989, as may be amended from time to time, and "Regional Development Charges By-Law", as may be amended from time to time.
3. The Committee shall consist of three (3) members of the Finance and Committee of the Regional Council.
4. Membership on the Committee shall be determined by the Chairman of the Finance Committee of the Regional Council, who shall rotate such membership among the members of the Finance Committee and who shall, for the purpose of a hearing provided for under this By-Law, designate one member as the Chairman of the Committee for the hearing.
5. The Chairman of the Finance Committee of the Regional Council may at any time summon a meeting of the Committee for the purpose of hearing a complaint under the Development Charges Act, 1989, as may be amended from time to time, and under the "Regional Development Charges By-law", as may be amended from time to time, by giving a written direction to the Clerk of the Regional Corporation stating the date, time and purpose of the meeting.
6. Notice of any hearing provided for under this By-Law shall be mailed to the complainant by the Clerk of the Regional Corporation not less than fourteen (14) days before the date the complaint is to be considered.

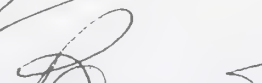
7. Three (3) members of the Committee are necessary to form a quorum at a hearing to be conducted under this By-Law and the concurring votes of a majority of the members present are necessary to make a recommendation at the conclusion of such hearing.
8. Each member of the Committee has one vote only at a hearing conducted under this By-Law.
9. Upon hearing a complaint under this By-Law, the Committee may recommend to the Regional Council that the development charge in respect of which the complaint was heard,
 - (a) be confirmed; or
 - (b) be amended to the extent that, in the opinion of the Committee, a review of any or all of the matters in section 5 of the Appendix "A" to this By-Law justifies such an amendment.
10. Upon the conclusion of a hearing conducted by the Committee under this By-Law, the Committee shall as soon as practicable make a written report to the Regional Council summarizing,
 - (a) the evidence and arguments presented by the parties;
 - (b) the findings of fact made by the Committee; and
 - (c) subject to Section 9 of this By-Law, the recommendations of the Committee, with reasons for the recommendations,on the merits of the complaint in respect of which the hearing has been conducted.
11. After considering the report of the Committee, prepared pursuant to Section 10 of this By-Law, the Regional Council may thereupon in respect of such complaint, notwithstanding the recommendation of the Committee,
 - (a) confirm the development charge; or
 - (b) amend the development charge to the extent that, in the opinion of the council, a review of any or all of the matters in section 5 of the procedure set out in Appendix "A" of this By-Law justifies such an amendment,


without being required either to hold a hearing or to afford an opportunity for a hearing in respect of such complaint that it might have done or made had it conducted the hearing itself.

12. The Clerk of the Regional Corporation shall, not later than fifteen (15) days after the day a decision is made by the Regional Council under section 10 of this By-Law give written notice of the decision by mail to the complainant and the notice shall specify the last day for filing an appeal from the decision, which date shall be no earlier than twenty (20) days after the date the letter is mailed.
13. (1) Subject to subsections (2) and (3), the procedure to be followed by the Committee in hearing a complaint under this By-Law is set out in Appendix "A", which is attached to and forms a part of this By-Law.
- (2) Where there is a conflict between the provisions set out in the body of this By-Law and those set out in Appendix "A" to this By-Law, the provisions set out in the body of this By-Law prevail.
- (3) Subject to subsection (3), the provisions of Sections 5 to 15 and 21 to 24 of the Statutory Powers Procedure Act, R.S.O. 1980, Chapter 484, as may be amended from time to time, apply to the Committee and to the hearing conducted by it and those sections, except for Section 24 of the Act, do not apply to the Regional Council in the exercise of its power of decision of respect of such matter.
- (4) Where there is a conflict between the provisions of the Development Charges Act, 1989, as may be amended from time to time, and the provisions of the Statutory Powers Procedure Act set out in subsection (2), the provisions of the Development Charges Act, 1989 prevail.

PASSED AND ENACTED THIS 17TH DAY OF DECEMBER, 1991 .


Chairman


Clerk

Approved
as to form

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APPENDIX "A"

SPECIAL DEVELOPMENT CHARGES COMPLAINTS COMMITTEE PROCEDURE

PARTIES TO A COMPLAINT

1. Any owner of land in the Regional Municipality of Hamilton-Wentworth (the Region), or any applicant for a building permit for land within the Region, who is required to pay Regional development charges, may complain to the Special Development Charges Complaints Committee (the "Committee").
2. The Region is a responding party to any complaint.

TIME, FORM AND CONTENTS OF A COMPLAINT

3. A complaint must be in writing, addressed to "Office of the Clerk, The Regional Municipality of Hamilton-Wentworth, 119 King St. West, 15th Floor, PO BOX 910, Hamilton, Ontario, L8N 3V9, Attention: Special Development Charges Complaints Committee".
4. No complaint will be considered by the Committee if it is received by the Clerk:
 - (a) more than 90 days after the date of building permit issuance for which Regional development charges were imposed; or,
 - (b) after the date on which development charges were payable under an agreement with the Region.
5. The complaint must contain and allege, as a reason for the complaint, one or more of the following:
 - (a) the amount of the development charge imposed was incorrect or was based on incorrect data;
 - (b) the amount credited on account of services provided by a complainant in full or partial satisfaction of Regional development charges was incorrect;

- (c) the amount credited on account of Regional development charges previously paid on account of the subject lands was incorrect;
 - (d) there was an error in the application of the Region's development charge by-law.
6. A complainant will be advised in advance of the hearing of a complaint that non-compliance with the requirements of sections 4 or 5 will be alleged by the Region. The Region shall advise the complainant in accordance with subsection 11(f) of this procedure.
7. The complaint must set out the name and address of the person who should be given notice of the hearing of the complaint.

SCHEDULING OF THE HEARING OF THE COMPLAINT

8. The Clerk of the Region shall give the complainant written notice of the scheduling of the hearing of the complaint.
9. The Clerk shall mail the notice of hearing to the name and address indicated on the complaint at least fourteen days before the date on which the complaint is to be heard by the Committee.
10. The Clerk shall certify to the Committee the date on which each notice of hearing, to be considered by the Committee at a scheduled hearing date, was mailed.

CONTENTS OF THE NOTICE OF HEARING

11. The notice of hearing shall contain the following information:
- (a) the time and place of the hearing;
 - (b) a statement that the hearing is being held under the authority of the Development Charges Act, 1989, section 8;

- (c) a statement that the hearing is being held in response to a complaint from the complainant (the name of the complainant and the date of the complaint are to be indicated);
- (d) a statement that the hearing is being held to allow the complainant to offer evidence and argument concerning the calculation of Regional development charges payable or the liability of the complainant to pay any Regional development charges or both;
- (e) a statement that at the conclusion of the hearing the Committee will make a recommendation to Regional Council concerning the disposition of the complaint;
- (f) a statement that a copy of the record to be submitted to the Committee by the Region under section 13 of this procedure shall be made available to the complainant at the offices of the Clerk of the Region by 4:30 p.m. on the day preceding the hearing of the complaint or at such earlier time as the Region may advise.

PROCEDURE AT THE HEARING

- 12. It is the policy of the Region that the hearing of complaints by the Committee shall be informal, and that the Committee shall deal with the substance and merits of the complaint. The Committee must nevertheless determine whether complaints are timely under section 4 of this procedure and whether they raise a matter which the Committee is authorized to consider under section 5 of this procedure.
- 13. The Region will submit a record containing the following information:
 - (a) the development application(s) for which a building permit is now required;
 - (b) the correspondence which has passed between the parties;
 - (c) an explanation of the manner in which the Region has calculated the development charges which are payable;
 - (d) submissions on the issues to be decided by the Committee and the findings of fact which the Committee must make; and,
 - (e) the proposed disposition of the complaint and the reasons therefor.

14. The Committee shall accept the record as the evidence and argument of the Region without the need for formal proof or verbal submissions and shall offer the complainant the opportunity to lead evidence and make argument.
15. The complainant may present evidence and make argument in a narrative form and may supplement the evidence and argument with written submissions or such other material as desired.
16. The complainant shall be entitled to question employees of the Region, subject to the right of the Committee to prevent any abuse of its process, so long as notice has been given by the complainant to those employees in advance of the hearing. The complainant is entitled to an adjournment if a Regional employee, whose evidence is necessary to the case of the complainant, is unavailable to attend before the Committee at the scheduled date.

POWERS OF THE COMMITTEE

17. The Committee has the power to:
 - (a) administer oaths or affirmations;
 - (b) require that evidence be given under oath or affirmation;
 - (c) admit evidence without requiring that it be given under oath or affirmation;
 - (d) admit relevant evidence whether or not admissible in court;
 - (e) admit as evidence documents or things whether or not given or proven under oath or affirmation;
 - (f) admit copies of documents or things instead of originals where satisfied of the authenticity of the copies;
 - (g) exclude any evidence which is unduly repetitious;
 - (h) limit the further cross examination of a witness where the cross examination has been sufficient to disclose fully and fairly the facts in relation to the evidence which the witness has already given in opposition to the complainant;

- (i) make orders and give directions to prevent an abuse of the process of the Committee;
- (j) alter the hearing procedure at the request of a complainant if satisfied that the proposed procedure is consistent with the disposition of the hearing on its substance and merits and will be informal, inexpensive and expeditious; and,
- (k) adjourn any hearing of its own motion or upon the motion of the complainant.

REPRESENTATION BY COUNSEL OR AGENT

- 18. The complainant, and any witness, may be represented by counsel or an agent.
- 19. It is the policy of the Region that the hearing of complaints by the Committee shall be informal, inexpensive and expeditious, and that the Committee shall not require or prefer that any complainant be represented by counsel or an agent.

DISPOSITION OF COMPLAINTS

- 20. At the conclusion of the hearing of a complaint, the Committee may indicate the recommendation it will make to the Council of the Region, or it may reserve its decision.
- 21. The Committee shall cause a written report to be made to the Council of the Region containing the following information:
 - (a) a summary of the evidence and arguments presented by the parties;
 - (b) the findings of fact made by the Committee;
 - (c) the recommendations of the Committee concerning the disposition of the complaint, and the reasons in support of the recommendation.
- 22. The Clerk of the Region shall assign a Secretary to the Committee who shall, as directed by the Committee, prepare the written report in the form required by section 21 of this procedure and section 9 of this By-law.

23. The Secretary to the Committee shall confirm the text of the written report with the Chairperson of the Committee and shall then comply with section 24 of this procedure.
24. The Committee's written report to the Council shall be mailed to the complainant at the name and address indicated on the complaint and the complainant shall be advised of the date and time of the Council consideration of the report.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

By-law No. R90- 133

BILL NO. 1758

Being a by-law to amend the Regional Development Charges By-law No. R90-082.

WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth passed the Regional Development Charges By-law No. R90-082 which By-law came into effect on June 20, 1990;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth deems it necessary to amend said By-law;

AND WHEREAS the amendments to said By-law are being made to provide greater clarity in interpreting and applying the provisions of the said By-law;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth has given notice in accordance with section 7 of the Development Charges Act, 1989, of its intention to pass an amendment to the Regional Development Charges By-law No. R90-082;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, through its Finance and Personnel Committee, has heard all persons who applied to be heard no matter whether in objection to, or in support of, the amendment to said By-law;

NOW THEREFORE, the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:

1. That subsection 1(k) of the Regional Development Charges By-law No. R90-082 is hereby amended by adding the words "or non-residential building or structure" after the words "dwelling unit".
2. That subsection 1(l) of the Regional Development Charges By-law No. R90-082 is hereby amended by adding the words "or non-residential building or structure" after the words "dwelling unit" wherever those latter words appear in this subsection.
3. That subsection 6(c) of the Regional Development Charges By-law No. R90-082 is hereby amended by adding the word "dwelling" after the words "creates one additional" in the first line of said subsection.

URBAN MUNICIPAL

4. That clause 7(a)(i) of the Regional Development Charges By-law No. R90-082 is hereby amended by adding the word "dwelling" after the words "one or two" in the third line of said clause.
5. That subsection 13(a) of the Regional Development Charges By-law No. R90-082 is hereby amended by:
 - (a) deleting the words "prior to" in the second line of said subsection and by substituting therefor the words "as a result of"; and
 - (b) deleting the words "of the approvals" in the second line of said subsection and by substituting therefor the words "authority or permission".
6. That subsection 13(c) of the Regional Development Charges By-law No. R90-082 is hereby amended by deleting the words "industrial or commercial" and by substituting therefor the word "non-residential".
7. That section 23 of the Regional Development Charges By-law No. R90-082 is hereby amended by deleting the words "value of the" in the second line of said section.
8. This by-law comes into force and effect on the date it is passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND
ENACTED THIS 20th DAY OF November , 1990.


CHAIRMAN
CLERK

Approved
as to form

Legal
Services

BILL NO. 1707

THE REGIONAL MUNICIPALITY
OF HAMILTON-WENTWORTH

URBAN MUNICIPAL

BY-LAW NO. R90-082

JAN 3 1991

GOVERNMENT DOCUMENTS

Being a by-law to impose development charges on residential and non-residential development on account of certain capital costs to the municipality resulting from such development.

WHEREAS the Development Charges Act, 1989, S.O. 1989 c. 58 authorizes municipalities to pass by-laws for the imposition of development charges against land where the development of the land would increase the need for services provided in whole or in part by the municipality;

AND WHEREAS The Regional Municipality of Hamilton-Wentworth has undertaken a study of its development charge policies, the expected development of land within the municipality and the increased need for services resulting from that development,

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, has adopted item 15 of Report 9-90 of the Finance and Personnel Committee, at its meeting of June 19, 1990 and in so doing approved as the Regional Development Charges Policy a report dated April, 1990, entitled "Development Charges Study" prepared by the Coopers and Lybrand Consulting Group, as amended, together with Appendices I and II to said report;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth has given notice in accordance with section 4 of the Development Charges Act, 1989, of its intention to pass a by-law under section 3 of the said Act;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth, through its Finance and Personnel Committee, has heard all persons who applied to be heard no matter whether in objection to, or in support of, the said by-law;

NOW THEREFORE, the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:

Definitions

1. In this by-law,
 - (a) "apartment" means a building consisting of one or more residential dwellings which is not a single detached dwelling, a semi-detached dwelling or a row dwelling;
 - (b) "area municipality" means a city, town, or township in The Regional Municipality of Hamilton-Wentworth;
 - (c) "bedroom" includes any room which can be used as sleeping quarters but does not include a kitchen, bathroom, living room or dining room;
 - (d) "benefiting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
 - (e) "capital cost" means costs incurred or proposed to be incurred by the Region or a local board thereof directly or under an agreement,
 - (i) to acquire land or an interest in land,

- (ii) to improve land,
- (iii) to acquire, construct or improve buildings and structures,
- (iv) to acquire, construct or improve facilities including rolling stock, furniture and equipment, and
- (v) to undertake studies in connection with any of the matters in clauses (i) to (iv),

required for the provision of services designated in this by-law within or outside the Regional Municipality of Hamilton-Wentworth, including interest on borrowing for those expenditures under clauses (i), (ii), (iii) and (iv) that are growth related;

- (f) "Council" means the Council of The Regional Municipality of Hamilton-Wentworth constituted in accordance with section 6 of the Regional Municipality of Hamilton-Wentworth Act, as amended;
- (g) "development" includes redevelopment;
- (h) "development charge or development charges" means the charges imposed with respect to growth-related net capital costs against land under this by-law;
- (i) "front-end payment" means a payment made by an owner pursuant to a front-ending agreement, which may be in addition to a development charge that the owner is required to pay under this by-law, to cover the net capital costs of the services designated in the agreement that are required to enable the land to be developed;
- (j) "front-ending agreement" means an agreement with an owner or owners in a benefiting area providing for front-end payments by an owner or owners or for the installation of services by an owner or owners or any combination thereof;
- (k) "grade" means the average level of finished ground adjoining a dwelling unit at all exterior walls";
- (l) "gross floor area" means the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from another dwelling unit or other portion of a building;
- (m) "growth-related net capital cost" means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from development in all or a defined part of The Regional Municipality of Hamilton-Wentworth;
- (n) "local board" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of an area municipality or The Regional Municipality of Hamilton-Wentworth;

- (o) "net capital cost", means the capital cost less capital grants, subsidies and other contributions made to the Region or that the Council of the Region anticipates will be made, including conveyances or payments under sections 41, 50 and 52 of the Planning Act, 1983, in respect of the capital cost;
- (p) "owner", means the owner of land or a person who has made application for approval for the development of land to which this by-law applies;
- (q) "row dwelling" means a residential building consisting of three or more dwelling units attached by a vertical wall or walls and not abutting any dwelling units along a horizontal plane;
- (r) "Region" means the body corporate referred to as The Regional Municipality of Hamilton-Wentworth in section 4 of the Regional Municipality of Hamilton-Wentworth Act;
- (s) "semi-detached dwelling" means a residential building consisting of two dwelling units attached by a vertical wall or walls;
- (t) "services", means services designated in section 18 of this by-law or designated in a front-ending agreement.
- (u) "single detached dwelling" means a residential building consisting of one dwelling unit and not attached to another structure.

Scope

- 2. This by-law applies to all land in The Regional Municipality of Hamilton-Wentworth.

Application - Residential and Non-Residential Development

- 3. Development charges shall be assessed by the Region against residential and non-residential development of land. Different charges shall apply to development of land within and outside the boundaries of the City of Hamilton.
- 4. Development of land is subject to a development charge if the development would increase the need for services and the development requires:
 - (a) the passing of a zoning by-law or an amendment thereto under section 34 of the Planning Act, 1983,
 - (b) the approval of a minor variance under section 44 of the Planning Act, 1983,
 - (c) a conveyance of land to which a by-law passed under subsection 49(7) of the Planning Act, 1983 applies,
 - (d) the approval of a plan of subdivision under section 50 of the Planning Act, 1983,
 - (e) a consent under section 52 of the Planning Act, 1983,
 - (f) the approval of a description under section 50 of the Condominium Act, or
 - (g) the issuing of a permit under the Building Code Act in relation to a building or structure.

Residential Development Subject to a Development Charge

5. Development charges shall be assessed against the following types of residential development:
 - (a) single detached dwellings,
 - (b) individual dwelling units in semi-detached dwellings,
 - (c) individual dwelling units in row dwellings,
 - (d) apartments (two or more bedrooms),
 - (e) apartments (bachelor and one bedroom).
6. Subject to section 7 of this by-law, no residential development charge is payable where the development:
 - (a) is an enlargement of an existing dwelling unit,
 - (b) creates one or two additional dwelling units in an existing single detached dwelling,
 - (c) creates one additional unit in any existing residential building other than a single detached dwelling.
7.
 - (a)
 - (i) Notwithstanding subsection 6(b) of this by-law, a development charge shall be imposed where the total gross floor area of the additional one or two units exceeds the gross floor area of the existing single detached dwelling.
 - (ii) In determining the gross floor area of the existing single detached dwelling, the gross floor area shall be the maximum gross floor area in the three years preceding an application for a building permit in respect of the additional one or two units.
 - (b) Notwithstanding subsection 6(c) of this by-law, a development charge shall be imposed if the additional unit has a gross floor area greater than:
 - (i) in the case of the semi-detached or row dwelling, the gross floor area of the existing dwelling unit, and
 - (ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building;
 - (c) In determining the gross floor area under subsection 7(b) of a semi-detached or row dwelling or of the smallest dwelling unit in a residential building, the gross floor area shall be the maximum gross floor area in the three years preceding the application for a building permit in respect of the one additional unit.

Non-Residential Development Subject to a Development Charge

8. Development charges shall be assessed against the non-residential development of:
 - (a) land, and
 - (b) the gross floor area of a building or structure which exceeds 50% of the gross area of the land to be developed:

9. (a) Development charges shall be assessed against non-residential development per acre or portion thereof of land developed;
- (b) The development charge payable for the non-residential development of land shall be assessed against the entire undivided interest in the land of an owner or owners, existing at the time of issuance of a building permit.
10. Where non-residential buildings or structures are constructed on land for which a development charge is paid pursuant to section 9 of this by-law, the gross floor area of the building or structure which is greater than 50% of the gross area of the land is subject to a non-residential development charge for each square foot of the gross floor area in excess of 50% of the gross area of the land.
11. The gross floor area of a non-residential building or structure shall be calculated in square feet and shall not include any portions of the building or structure used as a parking garage or exclusively devoted to parking.

Mixed Use Development Subject to a Development Charge.

12. Where a development has both residential and non-residential uses, development charges will be assessed as follows:
 - (a) development charges applicable to the residential uses will be assessed in accordance with section 16 of this by-law;
 - (b) development charges applicable to the non-residential use of the land shall be assessed in accordance with the following formula:

$$A \times \frac{B}{C} \times D$$

A = gross area of the land upon which the residential and non-residential development is situated

B = total non-residential gross floor area of buildings or structures

C = total gross floor area of residential and non-residential buildings or structures

D = per acre development charge in section 16

and,

- (c) development charges applicable to non-residential gross floor area in excess of 50% of total non-residential use of land, shall be calculated in accordance with section 16 of this by-law.

Adjustments to Non-Residential Development Charges

13. The development charge payable for the non-residential development of land, as determined in section 9 of this by-law, shall not be charged if:
 - (a) the legal description of the land on which the development will occur does not change prior to an application for any of the approvals designated in section 4 of this by-law, in respect of the development, and
 - (b) a building or structure, connected to and using the Region's central sewer and water systems, has existed on the land within the three years preceding an application for a building permit in respect of the development, and

- (c) the land was subject to an area municipal zoning designation permitting industrial or commercial uses prior to an application for any of the approvals designated in section 4 of this by-law, in respect of the development.

Redevelopment

14. (a) Subject to section 6 of this by-law, where a residential redevelopment increases the number of dwelling units in a building or structure, a development charge shall only be payable for the increased number of units attributable to the development.
- (b) In determining the increased units subject to a development charge, the existing dwelling units shall be the maximum number of dwelling units in the building or structure within the three years preceding an application for a building permit in respect of the increased dwelling units.
- (c) An owner who has secured the necessary approvals may demolish and replace existing dwelling units and not be subject to a development charge under this by-law in respect of the dwelling units replaced.
15. (a) Where a non-residential development to which section 13 of this by-law applies increases the gross floor area of a building or structure, a development charge will be assessed per square foot of increase of gross floor area in excess of 50% of the gross area of the land to be developed.
- (b) The gross floor area of the building or structure prior to the increase referred to in subsection 15(a) shall be the maximum gross floor area of the building or structure within the three years preceding an application for a building permit in respect of the increase.
- (c) An owner who has secured the necessary approvals may demolish and replace existing gross floor area and not be subject to a development charge under this by-law in respect of the gross floor area replaced.

Calculation of Development Charges Payable

16. Development charges for residential and non-residential development within and outside the boundaries of the City of Hamilton are set out in the following chart:

<u>Residential Development</u>	<u>City of Hamilton</u>	<u>All Other Area Municipalities</u>
Single Detached Dwellings and Per Unit in Semi-Detached Dwellings	\$7,074	\$5,418
Per Unit in Row Dwellings	\$5,255	\$4,025
Apartments (2 or more bedrooms)	\$3,638	\$2,786
Apartments (Bachelor or one bedroom)	\$2,627	\$2,012

Non-Residential Development

Per acre or portion thereof	\$22,603	\$17,363
Per square foot of non-residential gross floor area in excess of 50% of the gross area of non-residential land use.	\$0.5189	\$0.3986

17. (a) The Region may by agreement with an owner permit a development charge to be paid by the provision of services or by a combination of services and money.
- (b) Where services are provided in full or partial satisfaction of a development charge, the Region shall credit the owner with an amount equal to the reasonable cost to the owner of providing the services.
- (c) No credit given shall exceed the total development charge payable by the owner.

Services For Which The Residential Development Charge Is Payable

18. The services for which the development charge is imposed for residential development are:
 - (a) subdivision services oversizing;
 - (b) waterworks;
 - (c) sanitary sewerage;
 - (d) for residential development in the City of Hamilton only, storm sewerage;
 - (e) roads;
 - (f) Red Hill Creek Expressway;
 - (g) hospitals;
 - (h) traffic operations centre;
 - (i) Regional Administrative Building;
 - (j) for residential development in the City of Hamilton only, transit;
 - (k) police station;
 - (l) development charge studies;
19. No development charge may be imposed with respect to:
 - (a) local services installed at the expense of an owner within a plan of subdivision as a condition of approval under section 50 of the Planning Act, 1983;
 - (b) local services installed at the expense of an owner as a condition of approval under section 52 of the Planning Act, 1983;

- (c) local connections to water mains, sanitary sewers and storm drainage facilities installed at the expense of the owner including amounts imposed under a by-law passed under section 219 of the Municipal Act; or
- (d) waterworks or sanitary sewerage if these services are not to be provided within five years of the issuance of the building permit, either by or for the Region or pursuant to a front-ending agreement, to land to be developed.

Services For Which the Non-Residential Development Charge is Payable

- 20. (a) The services for which the development charge is imposed for non-residential development include all those services designated in section 18 of this by-law, except hospitals and transit.
- (b) Non-residential development outside the City of Hamilton is not subject to development charges for storm sewers.
- (c) The provisions of subsection 19(d) of this by-law apply to non-residential development.

Time of Payment of Development Charges

- 21. (a) Development charges are payable at the time a building permit is issued by an area municipality.
 - (b) If a development charge remains unpaid at the time a building permit is issued, the Treasurer of The Regional Municipality of Hamilton-Wentworth shall certify to the Treasurer of the area municipality in which the land to be developed is located that the development charge is unpaid.
 - (c) The Treasurer of The Regional Municipality of Hamilton-Wentworth shall direct the Treasurer of the area municipality that the unpaid development charge shall be added to the tax roll of the area municipality and shall be collected as taxes.
22. The Region may enter into an agreement with an owner providing for the payment of a development charge before the issuance of a building permit.

Adjustments to Development Charges

- 23. The development charges provided for in this by-law shall be adjusted by the percentage change in the value of the composite Southam Construction Cost Index (Ontario Series). The first adjustment shall take place following the later of:
 - (a) six months from the date of passage of this by-law, and
 - (b) six months following the first publication of the composite Southam Construction Cost Index (Ontario Series) after the date of passage of this by-law.
- 24. The development charges provided for in this by-law shall be adjusted every six months after the first adjustment provided for in section 23 of this by-law. The adjustment shall be calculated in accordance with section 23 of this by-law.

Exemptions From By-Law

- 25. Notwithstanding any other provisions of this by-law, development undertaken by:
 - (a) any school board within the meaning of paragraph 3 of subsection 1 (1) of the Education Act,

(b) any area municipality or the local board of any area municipality, and

(c) The Regional Municipality of Hamilton-Wentworth,

is not subject to any development charge under this by-law.

26. Where a non-profit housing provider has been given an allocation of units by the Minister of Housing or has filed a project proposal with the Minister of Housing prior to the passage of this by-law, and where the cost of the non-profit housing project has been estimated or determined in accordance with any charges of the Region in relation to development which were in effect prior to the passage of this by-law, the charges then in effect shall apply to the non-profit housing project instead of the development charge under this by-law.

Application to Agreements Under the Planning Act

27. (a) A credit against any development charge payable under this by-law shall be given for all or any portion of a charge in relation to development which has been paid by an owner or a former owner under the terms of an agreement with the Region concerning a subdivision, a condominium or a consent, executed before the passage of this by-law.
- (b) A credit against any development charge payable under this by-law shall be given, for the reasonable cost to an owner or former owner of services provided in lieu of the payment of all or any portion of a charge in relation to development under the terms of an agreement with the Region concerning a subdivision, a condominium or a consent, executed before the passage of this by-law.

Application to Water and Sewer Charges Under the Municipal Act

28. Following the passage of this by-law, no development which is subject to a development charge under this by-law shall be assessed any charges pursuant to by-law R76-137 as amended, enacted under section 215 of the Municipal Act.

Accounting for Development Charges

29. (a) All development charges paid pursuant to this by-law shall be maintained separately from all other revenues or receipts of The Regional Municipality of Hamilton-Wentworth.
- (b) The Treasurer of The Regional Municipality of Hamilton-Wentworth shall maintain these monies in separate reserve funds for each of the services identified in section 18 of this by-law and shall only permit the monies to be expended for those costs for which the development charge was imposed.
30. The Treasurer shall provide the Council with an annual statement, at a date directed by the Council, in respect of the reserve fund or funds established under section 29 of this by-law. The statement shall contain the following information in respect of each service identified in section 18 of this by-law:
- (a) the balance as of the 1st day of January,
 - (b) the distribution of the development charge proceeds received during the year,
 - (c) the amount transferred to the capital fund,
 - (d) the development charge amounts refunded or allocated to other services,

- (e) the apportionment of accrued interest,
- (f) the closing balance as of the 31st day of December,
- (g) an addendum indicating for each project the intended application of the amount transferred to the capital fund.

Front-End Financing

31. Where an owner develops or applies for approval to develop land outside the Stage 1 Development Area identified in Map Number 6 of the Official Plan of The Regional Municipality of Hamilton-Wentworth, the Region may enter into a front-ending agreement with an owner or owners.

Interpretation

32. The boundaries of the Stage 1 Development Area identified in Map Number 6 of the Official Plan of The Regional Municipality of Hamilton-Wentworth are also defined by the Urban Policy Areas in Map Number 1 of the Regional Official Plan. Where the Map Number 1 boundaries are not clearly delineated by reference to highways, lots and concession lines, reference may be had to the Official Plans of the area municipalities.
33. The cost of each service designated in section 18 of this by-law shall be calculated in accordance with the following charts and shall be adjusted in accordance with sections 23 and 24 of this by-law:

Services	Residential (per dwelling unit occupant)	Non- Residential (per acre)	Non-Residential* (per square foot of gross floor area in excess of 50% of area of land)
Waterworks	\$260	\$1,729	\$0.0397
Sanitary sewage	\$312	\$4,109	\$0.0945
Storm Sewerage (Hamilton only)	\$408	\$5,240	\$0.1205
Roads	\$542	\$6,927	\$0.1592
Freeway	\$288	\$1,542	\$0.0354
Hospitals	\$ 51	-	-
Police	\$ 34	\$1,129	\$0.0260
Traffic Operations	\$ 4	\$ 63	\$0.0014
Transit (Hamilton only)	\$ 65	\$ -	-
Development Charge	\$ 2	\$ 50	\$0.0011
Studies			
Administration Building	\$ 55	\$1,814	\$0.0417

*(figures have been rounded)

Residential Calculation - Per Service

Single Family Dwelling : 3.5 x residential per dwelling unit
occupant service cost

Semi-Detached or Row Dwelling : 2.6 x residential per dwelling unit
occupant service cost

Apartments (two or more bedrooms) : 1.8 x residential per dwelling unit
occupant service cost

Apartments (bachelor or one bedroom) : 1.3 x residential per dwelling unit
occupant service cost

34. Notwithstanding section 31 of this by-law, the Region may enter into a front-ending agreement in respect of land within the Stage 1 Development Area.
35. Where a non-residential building or structure has the same gross floor area on each floor of the building or structure, the gross floor area may be calculated by multiplying the gross floor area of one floor by the number of floors in the building or structure.
36. The development charges under this by-law may be calculated in either imperial or metric measurements. For the purposes of metric calculations, one square metre equals 10.76 square feet and one hectare equals 2.47 acres.
37. The headings in this by-law form part of this by-law.

Administration

38. By-law R87-024, as amended, is repealed.
39. This by-law shall be administered by the Finance Department of The Regional Municipality of Hamilton-Wentworth.
40. (a) This by-law comes into force and effect on June 20, 1990, at which time development charges for non-residential development of land in the amount of 25% of the amounts calculated in accordance with section 16 of this by-law, as adjusted pursuant to section 23 of this by-law, shall be payable.
- (b) Commencing on October 20, 1990, development charges for non-residential development of land in the amount of 50% of the amounts calculated in accordance with section 16 of this by-law, as adjusted pursuant to section 23 of this by-law, shall be payable.
- (c) Commencing on February 20, 1991, development charges for non-residential development of land in the amount of 75% of the amounts calculated in accordance with section 16 of this by-law, as adjusted pursuant to section 23 of this by-law, shall be payable.
- (d) Commencing on June 20, 1991, development charges for non-residential development of land calculated in accordance with section 16 of this by-law, as adjusted by section 23 of this by-law, shall be payable.
41. This by-law shall expire 5 years from the date of its passage.
42. This by-law may be referred to as the "Regional Development Charges By-Law."

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND
ENACTED THIS 19th DAY OF June, 1990.

CHAIRMAN

CLERK

Approved
as to form
Legal
Services



